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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,104	11/15/2000	Eiichi Sato	B422-143	9652
26272 7590 03/19/2008 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER MOORTHY, ARAVIND K				
ART UNIT 2131		PAPER NUMBER		
MAIL DATE 03/19/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/713,104

## Applicant(s)

SATO, EIICHI

## Examiner

Aravind K. Moorthy

## Art Unit

2131

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the amendment filed on 6 December 2007.
2. Claims 25-28 are pending in the application.
3. Claims 25-28 have been rejected.
4. Claims 1-24 have been cancelled.

***Response to Arguments***

5. Applicant's arguments with respect to claims 25-28 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al U.S. Patent No. 5,633,932.**

As to claim 25, Davis et al discloses a communication apparatus for transferring data from a first network to a second network, the apparatus comprising:

- a first discrimination unit configured to discriminate if the received data is a confidential data [column 6, lines 9-19];
- a judgment unit configured to judge if the transfer path to the destination of the received image data over the second network is secure or not, when the

result of the discrimination by the first discrimination unit indicates the received data is a confidential data [column 6, lines 8-18];

a first control unit configured to control, when the result of the discrimination by the first discrimination unit indicates the received image data is not confidential, to transfer the received image data to the destination of the received data over the second network regardless of whether the transfer path to the destination of the received image data over the second network is secure or not [column 6, lines 20-48]; and

a second unit configured to control, when the result of the discrimination by the first discrimination unit indicates the received image data is confidential, to transfer the received image data to the destination of the received data over the second network when the result of the judgment by the judgment unit indicates the transfer path is secure, and to store the received image data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination, when the result of the judgment by the judgment unit indicates the transfer path is not secure [column 6, lines 20-48].

As to claim 26, Davis et al discloses an apparatus, further comprising;

a management unit configured to manage address of a transmission destination in relation with whether there exists a public key [column 4, lines 39-56];

a second discrimination unit configured to discriminate whether there exists the public key related to the address of the transmission destination, if the judgment unit judges that the transfer path is not secure [column 4, lines 39-56];

an encrypting unit configured to encrypt the received data, if the second discrimination unit discriminates that there exists the public key [column 4, lines 39-56]; and

a transmission unit configured to transmit the received data encrypted by the encrypting unit to the transmission destination [column 4, lines 39-56].

As to claim 27, Davis et al discloses a control method for a communication apparatus for transferring data from a first network to a second network, the method comprising:

discriminating if the received data is a confidential data [column 6, lines 9-19];

judging if the transfer path to the destination of the received image data over the second network is secure or not, when the result of the discrimination indicates the received data is a confidential data [column 6, lines 8-18];

controlling, when the result of the discrimination indicates the received image data is not confidential, to transfer the received image data to the destination of the received data over the second network regardless of whether the

transfer path to the destination of the received image data over the second network is secure or not [column 6, lines 20-48]; and

controlling, when the result of the discrimination indicates the received image data is confidential, to transfer the received image data to the destination of the received data over the second network when the result of the judgment indicates the transfer path is secure, and to store the received data in a storage area corresponding to the destination of the received image data without transferring the received image data to the destination, when the result of the judgment indicates the transfer path is not secure [column 6, lines 20-48].

As to claim 28, Davis et al discloses a storage medium computer-readably storing a program for causing a computer to execute a control method for a communication apparatus for transferring data from a first network to a second network, the method comprising:

discriminating if the received data is a confidential data [column 6, lines 9-19];

judging if the transfer path to the destination of the received image data over the second network is secure or not, when the result of the discrimination indicates the received data is a confidential data [column 6, lines 8-18];

controlling, when the result of the discrimination indicates the received image data is not confidential, to transfer the received image data to the destination of the received data over the second network regardless of whether the transfer path to the destination of the received image data over the second network is secure or not [column 6, lines 20-48]; and

controlling, when the result of the discrimination indicates the received image data is confidential, to transfer the received image data to the destination of the received data over the second network when the result of the judgment indicates the transfer path is secure, and to store the received image data without transferring the received image data to the destination, when the result of the judgment indicates the transfer path is not secure [column 6, lines 20-48].

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/  
Examiner, Art Unit 2131

/A. R. S./  
/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2131